

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: COMPLAINT OF DOUGLAS PALS	DOCKET NO. FCU-2013-0009
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**ORDER SETTING PARTIAL PROCEDURAL SCHEDULE
AND DISCUSSING FIFTH PREHEARING CONFERENCE**

(Issued October 14, 2014)

A fifth telephone prehearing conference was held in this docket on October 13, 2014. The Consumer Advocate Division of the Department of Justice (Consumer Advocate) was represented by its attorney, Mr. Craig F. Graziano. Qwest Corporation, d/b/a CenturyLink QC (CenturyLink), was represented by its attorney, Ms. Becky Owenson Kilpatrick. Bluetone Communications, LLC (Bluetone), was represented by its attorney, Mr. Bret Dublinske. West Liberty Telephone Company, d/b/a Liberty Communications (Liberty) was represented by its attorney, Mr. James Troup. Mr. Douglas Pals and Touchtone Communications, Inc. (Touchtone), were not present on the call. Board staff member Ms. Tara Ganpat-Puffett was also present on the call.

On September 25, 2014, the Consumer Advocate filed a response to the order issued August 27, 2014, requiring the parties to file a status report by September 26, 2014. On September 23, 2014, Mr. Douglas Pals advised the Consumer Advocate that he had no new issues to report, and the Consumer Advocate has not heard of

any problems since that date. The Consumer Advocate has received discovery responses from CenturyLink in this and other related dockets and is in the process of reviewing those responses. The Consumer Advocate has received additional discovery responses from Liberty. Liberty stated that it cannot with absolute certainty identify the intermediate Voice over Internet Protocol (VoIP) carrier referenced in the earlier discovery responses quoted in the Consumer Advocate's July 22, 2014, report, and it lacks any knowledge of whether the misconfigured VoIP switch referenced in the earlier responses was the result of intentional or uneducated action. Liberty stated it has an unfortunate situation with regard to the earlier discovery responses. An employee no longer with the company provided the information, and Liberty cannot find evidence to support the responses. Liberty will provide an affidavit to the Consumer Advocate regarding this situation. The Consumer Advocate stated discovery is almost finished in this docket and there is no reason to hold up setting a partial procedural schedule based on the limited remaining questions it has.

In its response filed September 25, the Consumer Advocate suggested a procedural schedule be adopted in this case that is similar to the one established in Docket No. FCU-2012-0019, *In re Rehabilitation Center of Allison (Allison)*. The Consumer Advocate also suggested the remaining procedural schedule in this docket be established with a view toward resolving this docket and the other call completion cases in which CenturyLink was the originating long distance carrier. The Consumer Advocate does not request consolidation. The Consumer Advocate stated that the

optimal approach may be to file a general report in the Allison case, followed by individual reports in each of the other cases. The Consumer Advocate will need additional time to complete discovery and prepare a report.

On October 1, 2014, the Consumer Advocate, jointly with the other parties, filed a proposed partial procedural schedule for this case.

At the prehearing conference, the Consumer Advocate asked to modify the approach to the partial procedural schedule previously proposed.¹ The Consumer Advocate thinks simultaneous filings by the parties of their initial reports would involve a lot of duplication and may not be the most productive approach. Therefore, the Consumer Advocate suggested that it alone file the initial report. This initial report will include all relevant information the Consumer Advocate has learned from the other parties about this particular case, and also about changes that have worked to prevent call completion problems in the first place in this and the other cases. The Consumer Advocate's report will address the questions asked by the Board, to the extent it has discovered the answers. The information provided by the telephone carriers to the Consumer Advocate must be supported by an affidavit, and the Consumer Advocate must include the affidavits with its report. All of the parties

¹ The Consumer Advocate suggested this new approach could be used in the other call completion cases as well. However, since all of the other parties to the other cases were not present on the telephone prehearing conference call, no decision regarding the other cases was made. The Consumer Advocate may suggest that the new approach be adopted in other cases in prehearing conferences or written filings, preferably with the agreement of the other parties to those cases. Requests to change the approach in procedural schedules that have already been established should be filed as soon as possible, and should indicate which parties agree that the new approach should be adopted.

agreed with the new approach to the initial report as requested by the Consumer Advocate.

Next, the telephone carriers will be given the opportunity to file responses or clarifications to the Consumer Advocate's initial report. If a telephone carrier has additional factual information to provide, it must provide the information in its response. This additional factual information or clarification must be supported by affidavit. If a telephone carrier agrees with everything provided in the Consumer Advocate's report and has no additional information to provide, the response may be as simple as telling the Board the carrier thinks the Consumer Advocate is correct and the carrier has nothing to add. The telephone carriers are also encouraged to include any information they have regarding how to solve the call completion problems in their responses.

Next, CenturyLink and Bluetone must file their proposed solutions and commitments as discussed in the "Order Regarding Fourth Prehearing Conference and Requiring Filing," issued in this docket on August 27, 2014. Additional guidance regarding what is expected is discussed in the "Order Setting Additional Procedural Schedule and Discussing Seventh Prehearing Conference," issued in the *Allison* case on September 22, 2014. If CenturyLink and the Consumer Advocate can agree on the proposed solutions, it would be ideal. If Bluetone and the Consumer Advocate can agree on the proposed solutions, it would be ideal.

Finally, if needed, the parties may provide responses to the proposed solutions and commitments.

At the prehearing conference, all the parties agreed this approach should be adopted and they agreed to the partial procedural schedule set forth below. The undersigned administrative law judge appreciates that the parties are thinking about the most productive approach for filing needed reports.

As the parties proceed with their reports, if procedural questions or concerns arise, they may ask the questions and request another prehearing conference to discuss any issues and the best procedures to be used.

IT IS THEREFORE ORDERED:

1. As discussed in the body of this order, on or before December 19, 2014, the Consumer Advocate must file an initial report, supported by affidavits of the telephone carriers who provided the information, which provides all the information the parties have regarding what happened in this case. The report must provide answers, as much as the parties have the information, to the questions posed by the Board in its "Order Docketing for Formal Proceeding and Assigning to Administrative Law Judge," issued on July 1, 2013. The report must provide the information the parties have to assist the Board in understanding what caused the call completion problems at issue in this case, what was done to correct the problems in this case, why the corrections solved the call completion problems, and what was done or still needs to be done to provide a long-term solution to the call completion problems at

issue in this case. If the parties are unable to provide some of the answers to these questions or do not have the information needed to provide the answers, they should include an explanation of why they cannot provide the answers or do not have the information. The Consumer Advocate's report must tell the Board whether Mr. Pals has experienced any call completion problems since the date of this order. If he has, the report must tell the Board what was done to resolve the problems. The report must also include information the Consumer Advocate has learned from this and other call completion cases about solutions that have worked to prevent call completion problems.

2. As discussed in the body of this order, on or before January 19, 2015, the parties must file any responses and clarifications they have regarding the Consumer Advocate's initial report. The telephone carriers are also encouraged to include any suggestions they have to solve call completion problems for customers in Iowa in their responses.

3. As discussed in the body of this order, on or before March 19, 2015, CenturyLink and Bluetone must each file its proposed effective, preventative, long-term solutions to the call completion problems its customers have experienced in Iowa. These solutions must include specific actions CenturyLink or Bluetone has taken or will take, and a proposed timeline for when future actions will occur. CenturyLink's proposal may be based on the solutions it has agreed to with the FCC, but the proposal must include commitments to the Board as to what CenturyLink will

do in Iowa. If CenturyLink and the Consumer Advocate can agree on CenturyLink's solutions, it would be ideal. If Bluetone and the Consumer Advocate can agree on Bluetone's solutions, it would be ideal. In addition, the Board recognizes that even after CenturyLink's solutions have been implemented, an occasional call completion problem may occur. Therefore, part of the solution that must be proposed and implemented in these cases is the establishment of better procedures, including providing information to customers on how to most effectively report call completion problems, so customers may report and have their call completion problems addressed much more quickly and effectively than has occurred in the past.

4. As discussed in the body of this order, on or before April 20, 2015, any party may file a response to the proposed solutions.

5. At the conclusion of this procedural schedule, based on the filings of the parties, the undersigned administrative law judge will determine whether an additional procedural schedule needs to be set, and if one is needed, what the procedural schedule needs to include. The parties will be given the opportunity to provide input into this determination.

6. During the pendency of this additional procedural schedule, if Mr. Pals experiences any call completion problem and reports it to any of the parties, the appropriate telephone carrier must correct the problem, and either the applicable

carrier or the Consumer Advocate must file a report with the Board explaining the problem and what was done to correct the problem.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST

/s/ Joan Conrad
Executive Secretary

Dated at Des Moines, Iowa, this 14th day of October 2014.